

**IN THE U.S. DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

ARTHUR GINSBERG)

v.)

JAMES L. DeHART,)

JOHN P. GRIFFITH,)

LANDYA B. McCAFFERTY,)

MARGARET H. NELSON,)

DIANE M. NICOLOSI,)

MAX DOES 1 through 12,)

MAXINE DOES 1 through 12,)

NED ZOES 1 through 12,)

NADINE ZOES 1 through 12,)

Case No. **1:10-cv-452-DBH**

**PLAINTIFF'S MOTION SEEKING LEAVE TO FILE
REPLY MEMORANDUM TO THE OBJECTION (DOC. 43)
FILED ON JULY 15, 2011 BY THE NH ADO DEFENDANTS**

NOW COMES Plaintiff, appearing in his pro-se capacity, and hereby respectfully seeks leave to file a reply memorandum to the objection (Doc. 43) filed on July 15, 2011 by the NH ADO DEFENDANTS (Defendants James L. DeHart, Landya B. McCafferty, Margaret H. Nelson, and Diane M. Nicolosi). In support thereof, the Plaintiff states:

The NH ADO DEFENDANTS' objection advances two unsustainable propositions:

1. A Federal District Court Judge can sua sponte recuse himself without providing grounds supporting recusal other than to generically state that: "In accordance with the provisions of 28 U.S.C. § 455, I hereby recuse myself from presiding over the proceedings in this matter."

2. A Federal District Court Judge is not required to explain how he was able to accomplish the seemingly impossible in less than one (1) day; specifically, a full review of an entire record of more than 500 pages and a *de novo* determination of all matters adjudicated by the Recommended Decision.

Also, because of the reason's stated in attached PLAINTIFF'S PROPOSED REPLY MEMORANDUM this Court has never articulated any reason for dismissing (Doc. 42) PLAINTIFF'S OBJECTION TO THE REPORT AND RECOMMENDATION (DOC. 35) FILED ON MARCH 22, 2011 BY THE MAGISTRATE-JUDGE. Plaintiff's objection was well documented and supported with case law.

For the reasons listed in attached PLAINTIFF'S PROPOSED REPLY MEMORANDUM this court should disregard the objection (Doc. 43) filed by the ADO Defendants and grant plaintiff's (Doc. 42) PLAINTIFF'S MOTION FOR RECONSIDERATION AND ARTICULATION.

Grant Plaintiff other appropriate relief that is just and proper.

The Proposed Reply Memorandum is being simultaneously filed with this motion.

Due to the nature of this motion, Plaintiff has not made an effort to obtain concurrence in the relief sought by this motion.

A memorandum of law is not required because the relief sought by this motion is totally within the sound discretion of this Court.

Respectfully submitted,

Dated: July 26, 2011

/s/ Arthur Ginsberg
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CERTIFICATE OF SERVICE

I, Arthur Ginsberg, hereby certify that on this 26th day of July 2011, I served copies of the foregoing Motion on all Counsel of Record via ECF.

/s/ Arthur Ginsberg
Arthur Ginsberg